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10/727,231	12/02/2003	Don J. Nguyen	42390.P6078C	5355

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,231	Applicant(s) NGUYEN, DON J.	
	Examiner Etienne P. LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Status:

Claims 1-23 are pending. Claims 1-23 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites “in response to an attempt to provide power to the at least one electronic component.” A skilled artisan would not know how to make and use the invention because the specification does not contain a clear and concise description of the process of attempting to provide power. A skilled artisan understands that power is provided or power is not provided, therefore, it is unclear how the present invention “attempts” to provide power to an electronic component. Furthermore, it is unclear what source of power, if indeed a power source is used, is used in the attempt to provide power, i.e., is the back-up battery used or is some other battery used?

Claims 2-6 are rejected, at least, for being dependent from a rejected base claim.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “a back-up battery to provide a back-up voltage supply on a back-up supply node.” The metes and bounds of the present invention cannot be determined because it is unclear what the “back-up battery” is backing up because there is no main/primary battery.

Claim 1 recites “whether to provide power from a battery.” The metes and bounds of the present invention cannot be determined because it is unclear whether “a battery” is the same as the “back-up battery” or a different battery. Furthermore, if “a battery” is a different battery, it is unclear how the different battery relates to the “back-up battery.”

Claim 1 recites “comparing the battery power level to a predetermined power level.” There is insufficient antecedent basis for “the battery power level.”

Claim 4 recites “provide power exclusively from the back-up supply node when the system is turned on, regardless of the battery power level of the battery.” The metes and bounds of the present invention cannot be determined because it is unclear why the inventor wants to make a connection to a **dead** (emphasis added) battery.

Claims 2-6 are rejected, at least, for being dependent from a rejected base claim.

Art Rejection Precluded

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. No art rejection is provided in this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7-10, 15, 16 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,167,289 issued to Ball et al (hereafter Ball), as best examiner is able to ascertain.

Claims 1, 7, 9, 15 and 18:

Ball discloses:

at least one electronic component [Fig 1, phone power]

a back-up battery to provide a back-up voltage supply on a back-up supply node [Fig 1, 46, col 44, lines 25-35]

a battery check circuit [col 8, lines 35-45] to be powered by the back-up voltage supply and to determine, in response to an attempt to apply power to the at least one electronic component,

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whether to provide power from a battery to the at least one electronic component by comparing the battery power level to a predetermined power level [abstract, col 9, lines 30-45]

Claims 2, 8, 16, 20 and 21:

Ball discloses wherein the battery check circuit provides power from the battery to the at least one electronic component if the battery power level is at least the predetermined power level and wherein the battery check circuit prevents the battery from providing power to the at least one electronic component if the battery power level is less than the predetermined power level [abstract, col 9, lines 30-45]

Claim 3:

Ball discloses wherein the predetermined power level is based on a voltage or power requirement of one or more of the at least one electronic component [abstract]

Claim 10:

Ball discloses disconnecting power provided by the second battery from the battery check circuit after testing the power level of the first battery [Fig 1].

Claim 19:

Ball discloses a processor [Fig 1, 72]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-14, 17, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball, as best examiner is able to ascertain.

Claim 11:

Ball discloses the elements of claim 7 as noted above but does not disclose wherein powering the battery check circuit comprises sensing an on button being depressed, enabling power to the battery check circuit, maintaining power to the battery check circuit while the power level of the first battery is tested. Official Notice is taken that an on-button is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ball to include an on-button to obtain wherein powering the battery check circuit comprises sensing an on button being depressed, enabling power to the battery check circuit, maintaining power to the battery check circuit while the power level of the first battery is tested for the purpose of initiating and terminating the testing of the battery as and when required.

Claims 12 and 23:

Ball discloses the elements of claims 7 and 11/18 and 22 as noted above but does not disclose wherein maintaining power to the battery check circuit comprises setting a latch which has its output coupled to enable a gate connecting the battery check circuit to the second battery. Official Notice is taken that a latch and a gate are well-known and expected in the art for reasons similar to the above.

Claim 13:

Ball discloses the elements of claims 7, 11 and 12 as noted above but does not disclose wherein preventing the first battery from powering the electronic component comprises maintaining the

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electronic component in a disconnected state from the first battery; and disabling the battery check circuit [Abstract, Fig 1, col 9, lines 30-45]

Claim 14:

Ball discloses the elements of claims 7 and 11-13 but does not disclose wherein disabling the battery check circuit comprises resetting the latch to disconnect the battery check circuit from the second battery. Official Notice is taken that resetting a latch is well-known and expected in the art for reasons similar to the above.

Claim 17:

Ball discloses the elements of claim 15 as noted above but does not disclose disconnecting the test circuit power from the first battery if the second battery has insufficient remaining power. However, Ball discloses if the external battery is detected to be removed or at too low a voltage the software is automatically arranged to switch to the internal battery [col 9, lines 37-41]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ball to include disconnecting the test circuit power from the first battery if the second battery has insufficient remaining power for the purpose of conserving the power remaining in the first battery.

Claim 22:

Ball discloses the elements of claims 18 and 21 as noted above but does not disclose wherein the battery check circuit is to assert a shutdown signal prior to supplying power from the main battery to the plurality of system Components. However, Ball discloses if the external battery voltage is low, then the power supply is switched to the internal battery [col 9, lines 38-41]. It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to modify Ball to include wherein the battery check circuit is to assert a shutdown signal prior to supplying power from the main battery to the plurality of system Components for the purpose of preventing damage to the electronic circuits by not supplying power at a voltage below the threshold.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

5/16/2006

